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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BAKER, STEPHEN M

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,286

Applicant(s)

NOVOTNY ET AL.

Examiner

Stephen M. Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,8,17,19-22 and 24 is/are rejected.
- 7) ☒ Claim(s) 2,3,6,9,18,23 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,768,528 to Stumm.

Stumm discloses a client-server network for transmitting various sorts of files including news, advertisements and software. File data is compressed after applying a CRC calculation. Each compressed file is then transmitted as one or more packets (using TCP/IP or X.25), along with the appended CRC code remainder calculated from the data before compression. When the file is received by the client, its data is de-compressed and then checked using the appended CRC code (column 7, lines 31+).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 7, 8, 20-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stumm.

Regarding claims 4, 5, 7 and 20-22, the image files mentioned by Stumm presumably would contain image macroblocks, video sub-pictures and audio, although Stumm does not describe as much. Official Notice is given that implementing news photos and advertisements with macro-blocks, sub-pictures or audio data was conventional at the time the invention was made. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to implement Stumm's files as files that include macro-blocks, sub-pictures or audio data. Such an implementation would have been obvious because, as noted above, implementing news photos and advertisements with macro-blocks, sub-pictures or audio data was already conventional.

Regarding claims 8 and 24, file data conforming with any particular ISO or I-TUT file standard is not mentioned by Stumm. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to implement Stumm's file data in conformance with any ISO or I-TUT file standard. Such an implementation would have been obvious because the compatibility advantages of using file standards was well known at the time the invention was made.

Allowable Subject Matter

5. Claims 2, 3, 6, 9, 18, 23 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 10-16 are allowed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Le *et al* disclose arrangements for transmitting packets of compressed video and audio signals and, more specifically, for compressing headers of packets that are based on IP/UDP/RTP protocols and recovering from wireless data transmission errors by using acknowledgements and retransmissions. Before a packet is compressed and transmitted the compressor checks to see if an accompanying checksum is consistent with the uncompressed data. If the accompanying checksum is not consistent, then the checksum or some other error indication may be transmitted along with the compressed data (column 34).

Crater *et al* discloses a virtual array storage system storing data compressed after applying a CRC calculation. Each SVA data block (Fig. 4) carries compressed data (34, 36, 38) and an appended CRC code remainder (4) calculated from the data before compression. When the data block is retrieved from storage, its data is de-compressed and then checked using the appended CRC code (column 4, lines 24-27).

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Har *et al* discloses a main memory storage system storing data compressed after applying a CRC calculation. Each block (1024 bytes) to be written is compressed and a CRC remainder calculated from the uncompressed data is appended to the compressed data for storage in the main memory (column 5, lines 23-43). When the data is retrieved from storage, it is decompressed and then checked using the appended CRC code (column 5, lines 54+).


O'Brien *et al* discloses arrangements for storing data on tape, including compressing the data and adding an uncompressed data CRC code (column 3, lines 16+) used to check the read data after de-compression.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Baker whose telephone number is (571) 272-3814. The examiner can normally be reached on Monday-Friday (11:00 AM - 7:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Stephen M. Baker
Primary Examiner
Art Unit 2133

smb